

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner rejects claims 1, 2, 6 and 10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0004710 to Takaaki Murao (hereinafter “Murao”).

In response, Applicants respectfully traverse the Examiner’s rejection under 35 U.S.C. § 102(b) for at least the reasons set forth below. However, independent claims 1 and 10 have been amended to clarify their distinguishing features. Specifically, claim 1 has been amended to recite (in clean copy for the convenience of the Examiner) a 3D model retrieval method comprising:

- displaying a plurality of 3D models, the plurality of 3D models as a whole having a hierarchical structure;
- specifying one 3D model belonging to the hierarchical structure as a retrieval key by allowing a user to designate one of the plurality of 3D models displayed;
- allowing the user to change the level of the hierarchy to which the specification is made, by successive designating of the designated 3D model;
- acquiring the feature values of the 3D model specified as the retrieval key from the database;
- acquiring the feature values of the 3D model stored in the database as objects to be retrieved;
- calculating the similarity between the 3D model specified as the retrieval key and 3D models stored as objects to be retrieved in the database by evaluating the differences of the both of the acquired feature values;
- sorting the results of the calculation of the similarity; and
- displaying a 3D model retrieved based on the result of the sorting.

Independent claim 10 has been similarly amended. Specifically, independent claim 10 has been amended to recite (in clean copy for the convenience of the Examiner) a 3D model retrieval system for retrieving a 3D model from a plurality of 3D models stored in a

database, the system comprising a computer and a display and at least one of a keyboard and a mouse:

- wherein the computer causes the display to display a plurality of 3D models, the 3D models as a whole having a hierarchical structure;
- wherein the computer comprises:
 - a specifying section configured to specify one 3D model belonging to the hierarchical structure as a retrieval key by allowing a user to designate one of the plurality of 3D models displayed with at least one of the keyboard or the mouse;
 - and configured to allow the user ~~being able~~ to change to the level of the hierarchy to which the specification is made, by successive designating of the designated 3D model;
 - a retrieval key feature values acquisition section configured to acquire the feature values of the 3D model specified as the retrieval key from the database;
 - a retrieval object feature values acquisition section configured to acquire the feature values of the 3D models stored as objects to be retrieved in the database;
 - a degree-of-similarity computing section configured to calculate the similarity between the 3D model specified as the retrieval key and 3D models stored as objects to be retrieved in the database by evaluating the differences of the both of the acquired feature values; and
 - a sorting section for sorting the results of the calculation of the similarity, and
- wherein the computer causes the display to display the 3D model retrieved based on the result of the sorting.

The amendments to claims 1 and 10 are fully supported in the original disclosure, such as at Figures 3 and 6 of the Drawings and from page 15, line 5 to page 16, line 2 of the specification. Thus, no new matter has been introduced into the disclosure by way of the present amendments to independent claims 1 and 10.

The Examiner argues that the main feature of the present application corresponds to the structure that “the user can freely choose any level of the hierarchical structure,” which is described in the Murao reference. Applicants respectfully disagree

A feature of the claimed invention is that the specified level of hierarchy can be changed (moved) by the user's operation to designate one 3D model itself.

On the other hand, Murao, in paragraph [0124] for example, discloses a restrictive condition defined in accordance with an instruction entered by a user.

This restrictive condition means a condition which is added to the bounding tree of a reference model, and used as a search key (see [0124]), and specifically, it merely corresponds to the size of a bounding box or an object type represented by the node (see paragraph [0126]), or the designation of the distance between two bounding boxes (see paragraph [0127]).

The claimed invention actually provides the structure that the specified level of hierarchy can be changed (moved) by the user's operation to designate one 3D model itself, and therefore, it is entirely different from that disclosed by Murao which discloses the idea to designate a restrictive condition in accordance with an instruction entered by a user. Independent claims 1 and 10 have been amended to clarify such features.

As can be understood from the above, Murao does not at all disclose the features of the claimed invention. Murao also does not suggest such features.

With regard to the rejection of claims 1, 2, 6 and 10 under 35 U.S.C. § 102(b), a method and system having the features discussed above and as recited in independent claims 1 and 10, respectively, is nowhere disclosed in Murao. Since it has been decided that “anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,”¹ independent claims 1 and 10 are not anticipated by Murao. Accordingly, independent claims 1 and 10 patentably distinguish


¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

over Murao and are allowable. Claims 2 and 6 being dependent upon claim 1 are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1, 2, 6 and 10 under 35 U.S.C. § 102(b).

Furthermore, new claims 12-14 have been added to further define the patentable invention. New claims 12-14 are fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the addition of new claims 12-14. Applicants respectfully submit that new claims 12-14 are at least allowable as depending upon an allowable base claim (1).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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